



## GASS TUREK LLC

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### VIA EMAIL AND U.S. MAIL

March 16, 2022

Steven B. Goff  
[steve@byegoff.com](mailto:steve@byegoff.com)  
Managing Partner  
Bye, Goff & Rohde, Ltd.  
258 Riverside Drive  
River Falls, Wisconsin 54022

Re: Cease and Desist Misleading Google Marketing

Attorney Goff:

Our law firm represents Nicolet Law Office S.C., ("Nicolet"). I am writing to demand that Bye, Goff & Rohde, Ltd. ("Bye, Goff") immediately cease and desist from its false and deceptive campaign of using Nicolet's name in its sponsored Google ads. If Bye, Goff refuses to cease its misleading campaign, Nicolet will seek relief in court, including attorneys' fees for prosecuting its claim.

Bye, Goff has initiated a Google Ads campaign that includes sponsored advertisements at the top of the results page for searches focused on Nicolet. The problem is that the "headline" of Bye, Goff's sponsored ad explicitly references Nicolet, giving the false impression that Nicolet is somehow affiliated (as opposed to a competitor) with Bye, Goff. Here are a few of the troubling examples of Bye, Goff's deceptive ads that are displayed when someone uses Google to search for Nicolet:

**EXHIBIT A**

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Ad • <https://www.byegoff.com/> : (800) 607-3030

### Nicolet law - Serving Wisconsin & Minnesota

For 40+ Years We Have Been Representing Individuals Throughout Minnesota and Wisconsin.

Call Bye, Goff & Rohde Personal injury Attorneys Serving Wisconsin & Minnesota. Board Certified Partners. No Fees Unless We Win. Licensed In WI & MN.

[See Our Practice Areas](#) · [Past Case Results](#) · [Meet The Team](#) · [Email or Call Us Today](#)

■ 258 Riverside Dr, River Falls, WI - Open today · Open 24 hours ▼

Ad • <https://www.byegoff.com/>

### PI Attorneys - Nicolet law

For 40+ Years We Have Been Representing Individuals Throughout Minnesota and Wisconsin. Our Litigation Attorneys & Staff Have Just One Goal; To Relentlessly...

Ad • <https://www.byegoff.com/> : (800) 607-3030

### Bye | Goff | Rohde - Nicolet law billboard

For 40+ Years We Have Been Representing Individuals Throughout Minnesota and Wisconsin.

Our Litigation Attorneys & Staff Have Just One Goal; To Relentlessly Pursue Justice. Board Certified Partners. No Fees Unless We Win. Licensed In WI & MN.

[See Our Practice Areas](#) · [Past Case Results](#) · [Meet The Team](#) · [Email or Call Us Today](#)

📍 310 Pinnacle Way Suite 302, Eau Claire, WI - Open today · Open 24 hours ▼

Ad • <https://www.byegoff.com/> : (800) 607-3030

### Bye | Goff | Rohde - Nicolet law hudson

Our Practice Area is Personal Injury Cases. Call Today to Get the Help You Deserve. Call Bye, Goff & Rohde Personal injury Attorneys Serving Wisconsin & Minnesota. Board Certified Partners. No Fees Unless We Win. Licensed In WI & MN. 24/7 customer service.

[See Our Practice Areas](#) · [Past Case Results](#) · [Meet The Team](#) · [Email or Call Us Today](#)

■ 258 Riverside Dr, River Falls, WI - Open today · Open 24 hours ▼

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Bye, Goff is responsible for choosing the words in the headline – i.e., the large, blue-lettered hyperlink in the ads (e.g., “Nicolet law – Serving Wisconsin & Minnesota” in the first example above). It deliberately inserted references to Nicolet in the headlines, leading unsuspecting potential clients to believe they were accessing Nicolet’s website or that Nicolet had some cooperative relationship with Bye, Goff, neither of which is true.

These ads from Bye, Goff are misleading, deceptive, and unethical. It is one thing for Bye, Goff to purchase “Nicolet” or “Nicolet law billboard” as keywords that would put Bye, Goff’s sponsored links at the top of searches for Nicolet. But Bye, Goff went much further and crossed the line by integrating Nicolet’s name explicitly in the sponsored ads. The first and second examples above are particularly egregious – an unsuspecting consumer could easily think that clicking links titled “Nicolet law - Serving Wisconsin & Minnesota” or “PI Attorneys – Nicolet law” would take him/her to Nicolet’s website, not the competitive Bye, Goff website. That ad is undeniably a deceptive bait-and-switch.

The other ads are similarly misleading. Potential clients who have specifically searched for Nicolet, see Nicolet in the headline, and click on that link could reasonably believe they are going to Nicolet’s website when they are actually being directed to Bye, Goff’s site. At a minimum, your ads trick potential clients into thinking there is some affiliation between Nicolet and Bye, Goff, thereby allowing Bye, Goff to improperly leverage Nicolet’s goodwill and advertising for its own profit.

Bye, Goff’s must end this deceptive and unethical ad campaign. There can be no serious debate that Bye, Goff’s deliberate inclusion of Nicolet’s name in its sponsored ads is deceptive and misleading. In a similar case, New Jersey federal court judge Noel Hillman entered a temporary restraining order preventing a New Jersey firm from using a competitive firm’s name in its Google sponsored ads. *See Helmer, Conley & Kasselmann, P.A. v. Hark and Hark* (D.N.J. Case No. 18-10927-NLH-KMW). Because this practice is so deceptive, the Supreme Court of Florida recently clarified its rules of professional responsibility to explicitly prohibit Bye, Goff’s tactics:

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Rule 4-7.13 – Examples of Deceptive and Inherently Misleading Advertisements

(12) a statement or implication that another lawyer or law firm is part of, is associated with, or affiliated with the advertising law firm when that is not the case, including contact or other information presented in a way that misleads a person searching for a particular lawyer or law firm, or for information regarding a particular lawyer or law firm, to unknowingly contact a different lawyer or law firm.

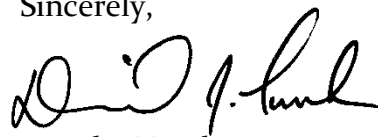
(approved March 3, 2022).

Even Google's Terms of Service recognize that Bye, Goff's ads are misleading because they "imply[] affiliation with[,] or endorsement by, another individual, organization, product, or service without their knowledge or consent" and fail to "disambiguate[] from similar businesses in the ad or user interactions." See Google Advertising Policies, at <https://support.google.com/adspolicy/answer/6020955?hl=en>. When the courts, regulating authorities, and ad providers all agree, there can be no serious dispute that Bye, Goff's sponsored ads are deceptive and misleading.

Bye, Goff's deceptive ads violate Section 100.18, Wis. Stat. That statute prohibits the publication of any advertisement containing "untrue, deceptive or misleading" statements. Nicolet has suffered a pecuniary loss as a result of Bye, Goff's deceptive campaign, as dozens of Nicolet's potential clients have likely been misdirected to Bye, Goff's website under false pretenses. In addition to damages and injunctive relief, Bye, Goff's violation of Section 100.18, Wis. Stat., also allows Nicolet to recover its costs and attorneys' fees, which it will pursue if Bye, Goff fails to immediately end its misleading campaign.

Nicolet demands that Bye, Goff immediately amend its online sponsored ads to remove any reference to Nicolet in those ads. If Bye, Goff fails to make such amendments by **2:00 pm on Friday, March 18**, Nicolet will seek all available relief in court. To avoid litigation, please provide proof that Bye, Goff has removed all references to Nicolet in its ads and written assurance that Bye, Goff will not use Nicolet's name in any future advertisements.

Sincerely,



David J. Turek